Amendments to the Claims

Please amend Claims 8 and 13. The Claim Listing below will replace all prior versions of the claims in the application:

Claim Listing

1. (Original) A method of inducing transplant tolerance in a mammal, comprising inhibiting T-cell costimulation and IL-2 mediated T-cell proliferation without inhibiting IL-2 mediated T-cell apoptosis.

2. (Original) A method of inducing transplant tolerance in a mammal, comprising administering to said mammal an effective dose of a T-cell costimulation blockade agent and an effective dose of an immunosuppressive agent, while maintaining normal levels of T-cell death.

3. (Original) The method of Claim 2 wherein the immunosuppressive agent is rapamycin, or a biologically active derivative thereof.

4. (Original) The method of Claim 2 wherein the costimulation blockade agent and the immunosuppressive agent are administered substantially simultaneously.

5. (Original) The method of Claim 2 wherein the costimulation blockade agent and the immunosuppressive agent are administered simultaneously and subsequently the immunosuppressive agent is administered continuously at effective doses.

6. (Original) The method of Claim 2 wherein the costimulation blockade agent comprises at least one agent that blocks a signaling pathway mediated by CD40, CD40L, B7, CD28 or CTLA4.

7. (Original) The method of Claim 6 wherein the costimulation blockade agent comprises at least one agent selected from the group consisting of anti-CD40 antibodies, anti-CD40L

antibodies, anti-B7 antibodies, anti-CD28 antibodies, anti-CTLA4 antibodies, B7-Ig, CD28-Ig CD40-Ig, CD40L-Ig, CTLA4-Ig, soluble extracellular domain proteins of CD40, CD40L, B7, CD28 and CTLA4 and derivatives thereof, and costimulation blockade drugs.

8. (Currently amended) The method of Claim 2 wherein the costimulation blockade agent comprises anti-CD40L and CTLA4-Ig.

9. (Original) The method of Claim 3 wherein the rapamycin is contained in a fish oil composition.

10. (Original) The method of Claim 3 wherein the route of administration is intraperitoneal, intravenous, oral or subcutaneous.

11. (Original) A composition comprising at least one costimulation blockade agent and rapamycin, or a biologically active derivative thereof.

12. (Original) The composition of Claim 11 further comprising fish oil.

13. (Currently amended) The ~~method~~ composition of Claim 11 wherein the costimulation blockade agent comprises at least one agent selected from the group consisting of anti-CD40 antibodies, anti-CD40L antibodies, anti-B7 antibodies, anti-CD28 antibodies, anti-CTLA4 antibodies, B7-Ig, CD28-Ig, CD40-Ig, CD40L-Ig, CTLA4-Ig; soluble extracellular domain proteins of CD40, CD40L, B7, CD28 and CTLA4 and derivatives thereof, and costimulation blockade drugs.

14. (Original) A kit comprising at least one costimulation blockade agent and rapamycin.

15. (Original) A method of inducing transplant tolerance in a mammal comprising administering a T-cell costimulation blockade agent, wherein T-cell proliferation, but not T-cell apoptosis is inhibited.

16. (Original) A method of inhibiting T-lymphocyte induced rejection of an allograft in a mammal comprising administering a T-cell costimulation blockade agent and an immunosuppressive agent, wherein T-cell costimulation and IL-2 mediated T-cell proliferation are inhibited and IL-2 mediated T-cell apoptosis is not inhibited.

17. (Original) The method of Claim 16 further comprising administering an effective dose of rapamycin or a derivative thereof.

18. (Original) A method of prolonging the survival of an allograft in a mammal, comprising administering a T-cell costimulation blockade agent and an immunosuppressive agent, wherein T-cell costimulation and IL-2 mediated T-cell proliferation are inhibited and IL-2 mediated T-cell apoptosis is not inhibited.

19. (Original) The method of Claim 18 further comprising administering an effective dose of rapamycin or a derivative thereof.

20. (Original) A method for inducing T-cell non-responsiveness to a donor tissue or organ in a recipient, comprising administering a T-cell costimulation blockade agent and an immunosuppressive agent, wherein T-cell costimulation and IL-2 mediated T-cell proliferation are inhibited and IL-2 mediated T-cell apoptosis is not inhibited.

21. (Original) The method of Claim 20 further comprising administering an effective dose of rapamycin or a derivative thereof.

Claim amendments

Claims 8 and 13 have been amended to provide proper antecedent basis.

The amended claims are supported by the subject application as originally filed. No new matter is added by amended Claims 8 and 13.

Restriction Requirement

Responsive to the Restriction Requirement dated January 8, 2007, the claims of Group II (Claims 11-12 and 14), drawn to compositions comprising a costimulation blockade agent, are elected for prosecution. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicants hereby elect Species E (anti-CTLA-4 antibodies) as the species. Claims readable on the elected species are Claims 1-21.

A one-month extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Grouping of Claims

In the Office Action, the Examiner has placed Claim 13 into Group I (Office Action, Page 2). However, Claim 13 depends from Claim 11 of Group II. Claim 13 has been amended, as set forth above, to provide proper antecedent basis by reciting the "composition of Claim 11," thereby correcting a typographical error in the claim as originally filed, which recited the "method of Claim 11." Applicants respectfully request that amended Claim 13 be rejoined and examined with the claims of Group II.

Anticipated Rejoinder of Claims Pursuant to M.P.E.P. § 821.04(a)

The Examiner has required restriction between product and process claims (Office Action, Page 4). As the Examiner notes, in accordance with M.P.E.P. § 821.04, if product Claims 11-14 are found to be allowable, then those process claims among Claims 1-10 and 15-21 that include all the limitations of the allowable product claims should be rejoined and examined.